

CERT

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2013-1104-02	REGULATORY ACTION NUMBER 2014-0404-02C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and RehabilitationAGENCY FILE NUMBER (if any)
13-0124**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2013 462	PUBLICATION DATE 11/15/2013

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Reentry Hubs	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-1016-02EON
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND See Attached
	REPEAL
TITLE(S) 15	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
January 24, 2014 through February 28, 2014 *and* March 10, 2014 through March 27, 2014**5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)**

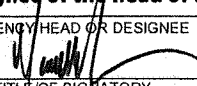
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Joshua Jugum	TELEPHONE NUMBER 916 445-2228	FAX NUMBER (Optional) 916 324-6075	E-MAIL ADDRESS (Optional) joshua.jugum@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/3/14
TYPED NAME AND TITLE OF SIGNATORY MARTIN HOSHINO, Undersecretary, Operations	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**MAY 14 2014****Office of Administrative Law**

Attachment to Std. 400

CDCR Reentry Hubs

Section B.

Sections amended by this action:

3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, 3383

TEXT OF PROPOSED REGULATIONS

In the following text, underline indicates adopted or amended text and ~~strikethrough~~ indicates deleted text.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions.

Section 3000 is amended to alphabetically merge the definition below with those that exist in the regulations.

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Cognitive Behavioral Treatment is evidence based treatment which helps inmates understand the thoughts and feelings which influence behaviors. Treatment is generally short-term and focused on helping inmates deal with a specific problem. During the course of treatment, inmates learn how to identify and change destructive or disturbing thought patterns which have a negative influence on behavior.

Reentry Hubs are designated facilities within an institution which provide enhanced rehabilitative programs to inmates who meet Reentry Hub placement criteria.

Senate Bill (SB) 618 Program means a program developed for nonviolent felony offenders pursuant to SB 618 (2005/2006 session), which added Penal Code section 1203.8, which provides in part that programs shall be available for inmates, including ~~vocational~~ Career Technical Education programs and educational programs that are designed to prepare nonviolent felony offenders for successful reintegration back into the community.

Transitions Programs are employment training classes to assist inmates with job readiness and job seeking skills to overcome barriers to obtaining employment upon release from an institution.

Note: Authority cited: Sections 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Section 8550, 8567, 12838 and 12838.7, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated

October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

Article 3 Work and Education

3040. Participation

Subsection 3040(a) is amended to read:

(a) Every able-bodied person committed to the custody of the Secretary of the Department of Corrections and Rehabilitation is obligated to work as assigned by the department staff and by personnel of other agencies to whom the inmate's custody and supervision may be delegated. Assignment may be up to a full day of work, education, ~~or~~ other programs, or ~~to~~ a combination of work, ~~and~~ education, or other programs.

Subsection 3040(b) is amended to read:

(b) Inmates assigned to a physical fitness program as part of a work incentive program shall be held to the same obligations/participation requirements governing other ~~vocational~~ Career Technical Education programs, educational, ~~or~~ work assignments, or other programs.

Subsections 3040(c) through 3040(f) remain unchanged.

Subsection 3040(g) is amended to read:

(g) Work assignments, in lieu of enrollment and participation in education, ~~vocational~~ Career Technical Education programs, Cognitive Behavioral Treatment and Transitions programs, or other therapeutic or ~~other~~ institution program assignments, may be made with or without the inmate's consent by a classification committee, a staff member designated as an inmate assignment lieutenant, or by any staff member responsible for the supervision of an unassigned inmate.

Subsection 3040(h) is amended to read:

(h) Inmates who have a history of computer fraud or abuse, including documented institutional disciplinary action involving computer fraud or abuse, shall not be placed in any ~~vocational~~ or work assignment that provides access to a computer, or rehabilitative program which provides access to the internet.

Subsections 3040(i) through 3040(l)(1) remain unchanged.

Subsection 3040(l)(2) is amended to read:

(2) ~~Vocational~~ Career Technical Education program student assignments (however, exceptions may be made where the inmate is enrolled in a bona fide apprenticeship program or performs work that provides a benefit to the institution and/or public).

Subsection 3040(1)(3) remains unchanged.

Subsection 3040(1)(4) is amended to read:

(4) Substance abuse treatment, Cognitive Behavioral Treatment, Transitions programs or other therapeutic program assignments.

Subsection 3040(1)(5) is unchanged.

Note: Authority cited: Sections 2700, and 5058, Penal Code. Reference: Section 1182, Labor Code; and Sections 502, 2079, 2702, 2933, 5054 and 5068, Penal Code.

3040.1 Substance Abuse Programs for Inmates

Subsection 3040.1 title is amended to read:

3040.1 Substance Abuse Programs for Inmates Cognitive Behavioral Treatment and Substance Abuse Treatment Criteria

Subsections 3040.1(a) through 3040.1(d) are amended to read:

~~(a) Prisons may establish substance abuse programs (SAP) to provide addiction and recovery treatment services to qualifying inmates.~~

~~(1) Except as provided in subsection (a)(2), a SAP is not intended to provide medical or mental health treatment. Available services and duration of programs may vary, as determined by CDCR Adult Program staff consistent with institutional security and available resources.~~

~~(2) Inmates enrolled in the Enhanced Outpatient Program (EOP) who have a co-occurring dual diagnosis of substance abuse may be considered for assignment to a SAP where it is a component of the mental health program.~~

~~(b) A classification committee shall consider inmates who have a documented history of substance abuse for assignment to a SAP; assignment may be voluntary or involuntary.~~

~~(c) Inmates with the following case factors shall not be placed in an SAP:~~

~~(1) Inmates who have been housed in a Security Housing Unit at any time during the preceding 12 months as a result of a guilty finding in a disciplinary action for assault and/or battery with force sufficient to cause serious injury or other rule violations classified as Division A 1, as listed in Section 3323(b);~~

~~(2) Inmates who have been housed in a Protective Housing Unit at any time during the preceding 12 months;~~

~~(3) Inmates who are currently members or associates of a prison gang, as certified by a Institution Gang Investigator;~~

~~(4) Inmates who have active or potential felony holds from any jurisdiction which could result in an increase in sentence length;~~

~~(5) Inmates who have active or potential United States Immigration and Naturalization Service holds;~~

~~(6) Inmates who are enrolled in Inpatient or Enhanced Outpatient Program (EOP) services, except as provided in subsection (a)(2).~~

~~(d) Inmates who meet the initial screening requirements for placement in an SAP shall be identified in the department's data processing system record by the placement of an "S" in the Eligibility Identifier field of the database.~~

(a) Prisons may establish Cognitive Behavioral Treatment (CBT) programs to provide evidence-based treatment services to inmates. Priority placement into CBT programs shall be for inmates who have a criminogenic need for the specific CBT program as identified by a validated automated risk and needs assessment tool. For placement into a CBT program, the inmate's remaining time to serve shall be within the prescribed length of participation required for the CBT program. CBT programs include but are not limited to Substance Abuse Treatment (SAT), Criminal Thinking, Anger Management and Family Relationships.

(b) Substance Abuse Treatment Program Eligibility Criteria. Inmates must meet the criteria established in Section 3040.1(a).

(c) Substance Abuse Treatment Program Ineligibility Criteria:

(1) Active or potential Immigration and Customs Enforcement (ICE) holds. Active or Potential ICE holds for non-deportable countries are non-exclusionary.

(2) Active or potential felony holds which may result in additional incarceration. Misdemeanor and time server holds are non-exclusionary.

(3) Division A, B and C disciplinary offenses, as described in Section 3323, within the last 12 months. Division C disciplinary offenses for inmate manufactured alcohol or possession of controlled substances are non-exclusionary.

(4) If an inmate has served a Security Housing Unit (SHU) term, the inmate is ineligible for assignment to the SAT program until 12 months after the Minimum Eligible Release Date as defined in Section 3341.5. If the SHU term is suspended, the inmate is ineligible for assignment to the SAT program until 12 months after the date of suspension.

(d) Inmates enrolled in the Enhanced Outpatient Program (EOP) who have a co-occurring dual diagnosis of substance abuse may be considered for assignment to a SAT program where it is a component of the mental health program.

Subsections 3040.1(e) through (i) are repealed.

~~(e) Final consideration prior to assignment to an SAP:~~

~~(1) Inmate's classification score and administrative determinants, established in accordance with section 3375, shall be appropriate to the facility where the SAP is located;~~

~~(2) Inmate's remaining time to serve shall be within the minimum length of participation required for the SAP as established at that institution.~~

~~(f) Inmates assigned to an SAP are subject to the program participation requirements listed in Section 3040, and the performance requirements of section 3041, and shall be placed in a work/training incentive group consistent with the provisions of section 3044. Inmates who fail to comply with program participation and/or performance requirements shall be subject to the methods of discipline defined in section 3312.~~

~~(g) Inmates who participate in an SAP shall not be eligible for placement in a Community Correctional Reentry Facility unless that facility provides a continuation of SAP activities.~~

~~(h) Inmates eligible for SAP placement who are housed in Conservation Camps or Minimum Support Facilities shall participate in an SAP only if one is available at that facility.~~

~~(i) A community services plan shall be developed by SAP staff for each inmate being paroled from an SAP.~~

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3041. Performance.

Subsections 3041(a) through 3041(c) remain unchanged.

Subsection 3041(d) is amended to read:

(d) Inmates assigned to educational, ~~vocational~~ Career Technical Education, Reentry Hub assignments, substance abuse treatment, or other training programs, must cooperate with the instructor or the person in charge, and must comply with instructions, and all requirements for participation in the assigned activity.

Subsections 3041(e) through 3041(e)(2) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 2297, 2318, 2320 and 1798 et seq., Civil Code.

3041.3. Inmate/Parolee Access to Computers.

Subsection 3041.3(a) is amended to read:

(a) Inmates shall not access any computer outside of their authorized work, ~~vocational~~ Career Technical Education program, ~~or educational assignment, Reentry Hub or substance abuse treatment assignment,~~ or as needed for legal research on the Law Library Electronic Delivery System, except as authorized by the department's Information Security Officer (ISO).

Subsections 3041.3(b) is amended to read:

(b) Inmates shall not access any computer connected to a local area network (LAN), ~~except as approved by the ISO; nor shall inmates access any computer~~ which has any type of direct, outside communication capability, except as approved by the ISO or as provided in section 3370(b).

Subsections 3041.3(c) through 3041.3(c)(1) remain unchanged.

Subsection 3041.3(c)(2) is amended to read:

(2) Inmates assigned to one computer for work, ~~vocation~~ Career Technical Education program, ~~or education, Reentry Hub or substance abuse treatment~~ shall not be assigned to, or permitted to use, any other computer, except as approved by the ISO.

Subsections 3041.3(d) through 3041.3(i) remain unchanged.

Subsection 3041.3(j) is amended to read:

(j) Inmates who have a record of computer fraud or abuse shall not ~~have access to a computer be placed in any work assignment which provides access to a computer and shall be restricted from computer based rehabilitative programs which provide Internet access.~~

Subsections 3041.3(k) through 3041.3(n) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 502, 502.7 and 2702, Penal Code.

Article 3.5 Credits

3043. Credit Earning

Subsections 3043 through 3043(b) are unchanged.

Subsection 3043(c) is unchanged but is shown for reference.

(c) Milestone completion credits.

Subsection 3043(c)(4) is amended to read:

(4) For the purposes of this section, in-prison or ACP rehabilitative programs shall include, but are not limited to academic programs, ~~vocational training programs~~ Career Technical Education programs, ~~substance abuse programs~~ Cognitive Behavioral Treatment programs, substance abuse treatment, ~~and other core programs such as anger management~~ and social life skills.

Subsection 3043(c)(5) is unchanged.

Subsection 3043(c)(6) is amended to read:

Specific milestone completions and credits awarded are established by ~~Adult Programs~~ the Division of Rehabilitative Programs on the Milestone Completion Credit Schedule (Rev. ~~05/11~~ 09/13), which is ~~hereby~~ incorporated by reference. All changes to the Milestone Completion Credit Schedule shall be adopted in accordance with rulemaking requirements of the Administrative Procedures Act (Government Code sections 11340 through 11364).

Subsection 3043(c)(7) through 3043(h) remain unchanged.

New Subsection 3043(i) is adopted to read:

Reentry Hub inmates removed from the program adversely shall be classified and placed in an appropriate work group as described in Section 3044.

Note: Authority cited: Sections 2700, 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 2931, 2933, 2933.05, 2935, 5054, 6260, 11189 and 11190, Penal Code;

Section 3201, Welfare and Institutions Code; In re Monigold, 205 Cal. App. 3d 1224, and People v. Jones, 44 Cal.Rptr.2d 164 (Cal. 1995).

3043.5. Special Assignments

Subsection 3043.5(a) is unchanged but is shown for reference.

(a) Special assignments include:

Subsections 3043.5(a)(1) and (a)(2) remain unchanged.

New subsection 3043.5(a)(3) is adopted to read:

(3) Any Reentry Hub program assignment shall qualify as a full time assignment in Work Group A-1.

Subsections 3043.5(b) through 3043.5(d) remain unchanged.

Subsection 3043.5(d)(1) is amended to read:

(1) When an inmate has a disability that limits his/her ability to participate in a work, academic, ~~vocational~~ Career Technical Education program or other such program, medical/psychiatric staff shall document the nature, severity, and expected duration of the inmate's limitations on a CDC Form 128-C (Rev. 1/96), Chrono-Medical, Psychiatric, Dental. The medical/psychiatric staff shall not make program assignment recommendations or decisions on the form. The CDC Form 128-C shall then be forwarded to the inmate's assigned correctional counselor who will schedule the inmate for a classification committee review. The classification committee shall have the sole responsibility for making program assignment and work group status decisions. Based on the information of the CDC Form 128-C and working in conjunction with staff from the affected work area, academic/~~vocational~~ Career Technical Education program, and the Inmate Assignment Lieutenant, the classification committee shall evaluate the inmate's ability to participate in work, academic, ~~vocational~~ Career Technical Education program, or other programs and make a determination of the inmate's program assignment and work group status.

Subsection 3043.5(d)(2) is amended to read:

(2) Only when the inmate's documented limitations are such that the inmate, even with reasonable accommodation, is unable to perform the essential functions of any work, academic, ~~vocational~~ Career Technical Education or other such program, will the inmate be placed in one of the two following categories by a classification committee:

Subsection 3043.5(d)(2)(A) is amended to read:

(A) Temporary medical/psychiatric unassignment. Except as provided in section 3043.5(e)(2)(A), when a disabled inmate is unable to participate in any work, academic, ~~vocational~~ Career Technical Education program or other program, even with reasonable

accommodation, because of a medically determinable physical or mental impairment that is expected to last for less than six months, the classification committee shall place the inmate on temporary medical/psychiatric unassignment. Inmates on temporary medical/psychiatric unassignment status shall be scheduled for classification review any time there is a change in his/her physical/mental impairment or no less than every six months for reevaluation. The credit earning status of an inmate on temporary medical/psychiatric unassignment for less than six months shall be in accordance with section 3044(b)(3), Work Group A-2. If the inmate's condition lasts six months and the classification committee still cannot assign the inmate due to his/her impairment, the credit earning status shall be changed to be in accordance with section 3044(b)(2), Work Group A-1 and appropriate privilege group retroactive to the first day of the temporary medical/psychiatric unassignment.

Subsection 3043.5(d)(2)(B) is amended to read:

(B) Medically disabled. When an inmate is unable to participate in any assigned work, academic, ~~vocational~~ Career Technical Education program, or other such program activity, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to result in death or last six months or more, the classification committee shall place the inmate on medically disabled status. The inmate credit earning status shall be in accordance with section 3044(b)(2), Work Group A-1 and Privilege Group A.

Subsections 3043.5(e) through 3043.5(h) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

3043.6. Impact of Transfer on Credit Earning

Subsection 3043.6(a) is unchanged but is shown for reference.

(a) Non-adverse transfers.

Subsections 3043.6(a)(1) through 3043.6(a)(3)(E) are unchanged.

Subsection 3043.6(a)(4) is amended to read:

(4) An inmate in an OCE approved academic, ~~vocation program~~ Career Technical Education program, or ~~SAP substance abuse treatment~~, Cognitive Behavioral Treatment program or Transitions program at the sending institution shall be placed on the waiting list for the same or similar program at the receiving institution, if available. If the receiving institution's program is unavailable, the inmate shall be placed on an existing waiting list at the receiving institution. The inmate's projected release date and the California Static Risk Assessment (CSRA) as described in Section 3768.1 shall be the primary ~~determination~~ determinants for priority placement. Inmates with a CSRA of moderate ~~to~~ or high shall take priority over those with a low risk assessment. Inmates shall be merged into the receiving institution's waiting list based on their CSRA and in accordance with subsection (3) above.

Subsections 3043.6(b) through 3043.6(f) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8, 1364, 2684, 2690, 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

3044. Inmate Work Groups

Subsections 3044(a) through 3044(a)(2) are unchanged.

Subsection 3044(b) is unchanged but is shown for reference.

(b) Consistent with the provisions of section 3375 of these regulations, all assignments or reassignments of an inmate to a work group shall be by a classification committee action in accordance with this section.

Subsections 3044(b)(1) and 3044(b)(2) are unchanged.

Subsection 3044(b)(2)(A) is amended to read:

(A) Full time Cognitive Behavioral Treatment or Transitions programs, substance abuse ~~programs (SAP) treatment~~, educational and ~~training~~ Career Technical Education programs, ~~educational and vocational training programs~~ shall not be less than 3 hours of work participation per programming day. ~~and no less than 15 hours of work participation per week, as designated by assignment.~~

Subsection 3044(b)(2)(B) is unchanged.

Subsection 3044(b)(2)(C) is amended to read:

(C) A full-time college program may be combined with a half-time work or ~~vocational training program~~ Career Technical Education program equating to a full-time assignment. The college program shall consist of 12 units in credit courses only leading to an associate degree in two years or a bachelor's degree in four years.

Subsections 3044(b)(2)(D) through 3044(b)(8) are unchanged.

Subsection 3044(c) is unchanged but is shown for reference.

(c) Privileges. Privileges for each work group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits required of the secretary, by statute, case law, governmental regulations, or executive orders. Inmate privileges shall be governed by an inmate's behavior, custody classification and assignment. A formal request or application for privileges is not required unless specified otherwise in this section. Institutions may provide additional incentives for each privilege group, subject to availability of resources and constraints imposed by security needs.

Subsections 3044(c)(1) through 3044(c)(6)(A) are unchanged.

Subsection 3044(c)(7) is amended to read:

(7) An inmate in a ~~re-entry furlough~~ Reentry Hub assignment shall be eligible for available privileges subject to ~~working eight hours per day participating in assignment programs~~ and shall not require a privilege group designation. ~~A re-entry inmate placed in a county facility shall be entitled to the same privileges accorded county prisoners and provided for under terms of the department's contract with the county facility.~~

Subsections 3044(c)(8) through 3044(i) are unchanged.

Note: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and In re Monigold, 205 Cal.App.3d 1224 (1988).

3046. Workers' Compensation for Inmates.

Subsection 3046 initial paragraph is amended to read:

Inmates are eligible for workers' compensation benefits for injuries sustained while performing assigned work while imprisoned. They are not eligible for benefits for injuries resulting from an assault in which the inmate was found to be the aggressor; an intentional act of self-inflicted injury; nor injuries sustained while assigned to academic and ~~vocational~~ Career Technical Education programs. The department is not liable for injuries sustained while a person is on parole or escape status.

Subsections 3046(a) and 3046(b) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(i), 5054 and 5069, Penal Code; and Sections 3370 and 3351, Labor Code.

Article 6.3 Family Foundations Program

Subsections 3074.3(a) through 3074.3(e)(2) remain unchanged.

Subsection 3074.3(e)(3) is amended to read:

(3) Program participant fails to participate in ~~vocational~~ Career Technical Education program/educational activities; or,

Subsections 3074.3(e)(4) through 3074.3(g)(4) remain unchanged.

Subsection 3074.3(g)(5) is amended to read:

(5) ~~Vocational~~ Career Technical Education and educational skills

Subsections 3074.3(g)(6) through 3074.3(i) remain unchanged.

Subsections 3074.3(i)(1) is amended to read:

(1) Intensive substance abuse treatment education classes and relapse prevention counseling.

Subsections 3074.3(i)(2) through 3074.3(i)(7) remain unchanged.

Subsection 3074.3(i)(8) is amended to read:

(8) Educational, Career Technical Education programs ~~vocational~~, and life skills training.

Subsections 3074.3(i)(9) through 3074.3(p) remain unchanged.

Note: Authority cited: Sections 1174.8(a) and 5058, Penal Code. Reference: Sections 1174-1174.9 and 5054, Penal Code.

3075.1. Intake Processing

Subsections 3075.1(a) through 3075.1(h) remain unchanged.

Subsection 3075.1(h)(1) is amended to read:

(1) The ISRS shall state the sources of information used and summarize the inmate's history of or status concerning: type of confidential information on file; holds or detainers; medical and dental requirements or limitations; results of a psychiatric or psychological referral; work experiences and skills; narcotics, drugs and alcohol use; escapes; arson offenses; sex-related offenses; academic and ~~vocational~~ Career Technical Education program needs or interests; necessary casework follow-up; the counselor's evaluation of the inmate; ~~reentry~~ release plans if the inmate has six months or less to release; Reentry Hub eligibility; classification score and custody designation suffix; community correctional facility eligibility; and recommended facility placement.

Subsections 3075.1(h)(2) through 3075.1(j)(2) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.01, 1203.03, 2930, 3002, 5054, and 5068, Penal Code.

Article 6.7 Transfer of Inmates Assessment Responsibility

3077.1. Senate Bill 618 Program Participant Determination, Assessment, and Processing

Subsections 3077.1 through 3077.1(a)(1)(B) remain unchanged.

Subsection 3077.1(a)(1)(C) is amended to read:

(C) Correctional Counselor (CC) I. The CCI shall make appropriate placement recommendations to a primary California Department of Corrections and Rehabilitation (CDCR) institution/facility and an alternate CDCR institution/facility. The Participant's Life Plan and available Substance Abuse Treatment programs, and Academic and ~~Vocational~~ Career Technical Education programs to advance the Participant's Life Plan, shall be used in consideration of the institution/facility recommendation.

Subsections 3077.1(a)(1)(D) through 3077.1(a)(2) remain unchanged.

Subsection 3077.1(a)(2)(A) is amended to read:

(A) An education specialist who is a subject matter expert on educational and ~~vocational~~ Career Technical Education programs assessment, testing and programs.

Subsections 3077.1(a)(2)(B) through 3077.1(b)(1) remain unchanged.

Subsection 3077.1(b)(1)(A) is amended to read:

(A) Include, but not limited to, the SB 618 Participant's court recommended behavioral health treatment, education literacy, and ~~vocational~~ Career Technical Education program needs.

Subsections 3077.1(b)(1)(B) through 3077.1(g) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

3078.4 Alternative Custody Program Processing

Subsection 3078.4(a) through 3078.4(b)(1)(F) remain unchanged.

Subsection 3078.4(b)(1)(G) is amended to read:

(G) ~~Vocational~~ Career Technical Education programs and educational needs.

Subsection 3078.4(b)(1)(H) through 3078.4(c)(6) remain unchanged.

Note: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code.

Article 7 Visiting

3170.1 General Visiting Guidelines

Subsection 3170.1(a) remains unchanged.

Subsection 3170.1(b) is amended to read:

(b) Inmates shall not be permitted to visit during the hours of their assignment to work, training, ~~vocational~~ Career Technical Education program and/or academic education, except as provided in section 3045.2.

Subsections 3170.1(c) through 3170.1(g) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601(c)(2), 4570, 4576 and 5054, Penal Code.

Article 9 Personal Property

3190. General Policy

Subsections 3190(a) through 3190(o) remain unchanged.

Subsection 3190(p) is amended to read:

(p) In addition to the six cubic feet limitation of authorized property, inmates who participate in institution academic or ~~vocational~~ Career Technical Educational programs shall be allowed to possess, in their quarters/living area, state provided textbooks/materials necessary to complete their education requirements. In accordance with section 3011, inmates who do not return state textbooks in serviceable condition, may be charged a replacement fee, as determined by the supervisor of correctional education programs.

Subsections 3190(q) through 3190(u) remain unchanged.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; In re Alcala, Marin County Superior Court, No. 117925, December 20, 1984 and Armstrong v. Davis Court Ordered Remedial Plan, Amended January 3, 2001; In re Armstrong, N.D. Cal, No. C 94-02307, March 20, 1998.

Article 10. Classification

3375.2. Administrative Determinants.

Subsections 3375.2(a) through 3075.2(b)(17) are unchanged.

Subsections 3375.2(b)(18) is amended to read:

(18) PRE. The short time remaining to serve limits or otherwise influences placement or program options for the inmate. ~~This factor shall also be used for sending an inmate to a hub facility for their release to a community based correctional facility.~~

Subsections 3375.2(b)(19) through 3375.2(b)(20) are unchanged.

New Subsection 3375.2(b)(21) is adopted to read:

(21) REN. Inmate is currently endorsed to or requires transfer to a Reentry Hub program and a Reentry Hub program is not available at a facility with a security level which is consistent with the inmate's placement score.

Subsections 3375.2(b)(22) through 3375.2(b)(27) are renumbered to read:

(24~~2~~) SCH. Inmate is involved in an academic program which is not available at a facility with a security level that is consistent with his/her placement score.

(22~~3~~) SEC. Shall be used only by a CSR to indicate that the inmate has been designated as a Security Concern by an ICC and requires Close B Custody.

(23~~4~~) SEX. Inmate has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act which requires restricted custody or placement.

(24~~5~~) SOR. Inmate's bisexual or homosexual orientation may require special placement.

(25~~6~~) TIM. Inmate's time to serve is long, requiring placement at a facility with a security level higher than that which is consistent with his/her placement score.

(26~~7~~) VIO. Inmate has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under Penal Code section 667.5(c), which, as determined by the CSR, requires placement in a facility with a higher security level than that indicated by his/her placement score.

Subsections 3375.2(b)(27)(A) through (C) [formerly (b)(26)(A) through (C)] are unchanged.

Subsection 3375.2(b)(28) is renumbered and amended to read:

(27~~8~~) VOC. Inmate is involved in a Career Technical Education program, also referred to as a vocational program, which is not available at a facility with a security level which is consistent with the inmate's placement score.

Subsection 3375.2(b)(29) is renumbered to read:

(28~~9~~) WOR. Inmate has a work skill in a critical trade which warrants special placement consideration.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3450, 5054 and 5068, Penal Code; Sandin v. Connor (1995) 515 U.S. 472; Madrid v. Gomez (N.D. Cal. 1995) 889 F.Supp. 1146; Wright v. Enomoto (N.D. Cal. 1976) 462 F.Supp. 397; and Stoneham v. Rushen (1984) 156 Cal. App. 3d 302.

3375.4. CDCR Reclassification Score Sheet CDCR Form 840, Calculation

Subsections 3375.4(a) through 3375.4(a)(2) are unchanged.

Subsection 3375.4(a)(3) is amended to read:

(3) For each six-month period with an average or above performance in work, school, ~~or vocational program~~ Career Technical Education, substance abuse treatment or Cognitive Behavioral Treatment programs, including Transitions program, two points shall be entered in Boxes 50-51.

Subsections 3375.4(a)(3)(A) through 3375.4(m) are unchanged.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; Wright v. Enomoto (1976) 462 F.Supp. 397; and Stoneham v. Rushen (1984) 156 Cal.App.3d 302.

3375.5. CDCR Readmission Score Sheet, CDCR Form 841, Calculation

Subsections 3375.5 through 3375.5(a)(3)(B) remains unchanged.

Subsection 3375.5(a)(3)(C) is amended to read:

(C) For each six-month period with an average or above performance in work, school ~~or vocational~~ Career Technical Education, substance abuse treatment or Cognitive Behavioral Treatment program, including Transitions program, two points shall be entered in Boxes 52–53.

Subsections 3375.5(a)(3)(C)(1) through 3375.5(j)(1)(B)(3) remain unchanged.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 5054, Penal Code.

3375.6. Automated Needs Assessment Tool

Subsections 3375.6(a) through 3375.6(a)(2) remain unchanged.

Subsection 3375.6(a)(3) is amended to read:

(3) The automated needs assessment tool evaluates the inmate's criminogenic needs in categories such as substance abuse, ~~vocational~~ Career Technical Education, educational, criminal personality, family criminality and anger/violence.

Subsection 3375.6(b) remains unchanged.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference Sections 3020, 5054 and 5068, Penal Code.

3376. Classification Committees

Subsections 3376(a) through 3376(c)(1)(D) are unchanged.

Subsection 3376(c)(1)(E) is amended to read:

(E) Educational or ~~vocational~~ Career Technical Education program representative.

Subsections 3376(c)(1)(F) through 3376(c)(2)(G) remain unchanged.

Subsection 3376(c)(2)(H) is amended to read:

(H) Educational or ~~vocational~~ Career Technical Education program representative.

Subsections 3376(c)(2)(I) through 3376(d)(1)(A) remain unchanged.

Subsection 3376(d)(1)(B) is amended to read:

(B) Initiate an education, ~~vocational training~~ Career Technical Education program, or work program; designate a credit earning and privilege group; and assign a custody designation for each inmate.

Subsections 3376(d)(1)(C) through 3376(d)(4) are unchanged.

Note: Authority cited: Sections 3303 and 3309, Welfare and Institutions Code; and Sections 5058 and 6252, Penal Code. Reference: Sections 2933, 5054 and 5068, Penal Code.

3379. Inmate Transfers

Subsection 3379(a) is unchanged but is shown for context.

(a) Transfer requirements.

Subsections 3379(a) through 3379(a)(9)(I) are unchanged.

New Subsections 3379(a)(10) through 3379(a)(10)(B)2. are adopted to read:

(10) Reentry Hub transfers. Every inmate shall be reviewed for Reentry Hub eligibility during Reception Center processing, at Initial, Annual, and Transfer classification committees, or at any classification committee when any temporary ineligibility for Reentry Hub transfer has been resolved. Inmates eligible for Reentry Hub placement shall be transferred to a Reentry Hub after the committee has evaluated all the inmate's case factors to ensure the transfer is appropriate.

(A) An inmate with the following case factors shall be given priority for placement at a Reentry Hub:

1. No more than four years, but no less than one year remaining to serve.
2. A California Static Risk Assessment risk score of moderate or high.
3. A medium or high need for one or more rehabilitative treatment programs as indicated by a validated automated needs assessment tool.

(B) An inmate with either of the following case factors is ineligible for placement at a Reentry Hub:

1. Active felony hold, warrant, or detainer which may result in additional incarceration following release date.
2. Active Immigration and Customs Enforcement hold, which would result in deportation.

Subsections 3379(b) through 3379(d)(4) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2911, 5025, 5054, 5068, 5080 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; Armstrong v. Schwarzenegger, United States District Court, N.D. Cal., No. C-94-2307 CW, Stipulation and Proposed Order issued November 30, 2006; Coleman v. Schwarzenegger, United States District Court, E.D. Cal., No. CIV-S-90-0520 LKK JFM P, Order issued November 6, 2006; and Whitaker v. Rushen (9th Cir. 1983) 720 F.2d 1132, 1135.

3383. State of Emergency

Subsections 3383(a) through 3383(c)(2) remain unchanged.

Subsection 3383(c)(3) is amended to read:

(3) The suspension of a facility's major program or operation is to exceed 72 hours; e.g., an academic or ~~vocational~~ Career Technical Education program, visiting program, yard operation, or dining room operation.

Subsections 3383(d) through 3383(e) remain unchanged.

Note: Authority cited: Section 5058, Penal Code; and Section 11152, Government Code. Reference: Section 5054, Penal Code.